

IN THE CLAIMS:

Please amend claims 66 and 113 as follows:

1-65. (cancelled)

66. (currently amended): Footwear with an upper and a sole construction having an outsole, in which:

the upper is constructed with an outer material having an inner side and an outer side and with a waterproof functional layer at least partially lining the outer material on the inner side ~~of the latter~~ and having an upper end region ~~on the sole side~~ with an outer-material end region and a functional-layer end region;

the functional-layer end region has a region requiring sealing; and

the outsole is adhesively bonded to the upper end region by means of outsole cement located on it, the outsole cement being formed at least in a subregion of the outsole lying opposite the region requiring sealing of the functional-layer end region by a reactive hot-melt adhesive which brings about waterproofness when in the fully reacted state.

67. (withdrawn): Footwear according to Claim 66, in which the functional-layer end region has an overhang projecting beyond the outer-material end region, and the outsole cement is formed at least in a subregion of the outsole which is closed in the direction of the sole periphery and lies opposite at least part of the width of the overhang by a reactive hot-melt adhesive which brings about waterproofness when in the fully reacted state.

68. (withdrawn): Footwear according to Claim 67, in which the reactive hot-melt adhesive extends over the entire width of the overhang.

69. (withdrawn): Footwear according to Claim 67, in which the upper end region extends essentially parallel to the tread of the outsole and the functional-layer end region projects beyond the outer-material end region in the direction of the centre of the outsole.

70. (withdrawn): Footwear according to Claim 67, in which the upper end region extends essentially perpendicular to the tread of the outsole and the functional-layer end region projects beyond the outer-material end region in the direction of the tread.

71. (withdrawn): Footwear according to Claim 67, with an insole, to which the functional-layer end region is fastened.
72. (withdrawn): Footwear according to Claim 71, in which the functional-layer end region is joined to the insole by means of a seam.
73. (withdrawn): Footwear according to Claim 71, in which the functional-layer end region is joined to the insole by cement-lasting.
74. (withdrawn): Footwear according to Claim 69, in which the functional-layer end region is kept essentially parallel to the tread of the outsole by means of string-lasting.
75. (withdrawn): Footwear according to Claim 71, in which the outer-material end region is secured to the functional-layer end region by means of adhesive.
76. (withdrawn): Footwear according to Claim 71, in which the overhang is bridged by a gauze strip, one side of which is fastened to the outer-material end region and the other side of which is fastened to the insole.
77. (withdrawn): Footwear according to Claim 74, in which the overhang is bridged by a gauze strip, one side of which is fastened to the outer-material end region and the other side of which is fastened to the string-lasting.
78. (withdrawn): Footwear according to Claim 74, in which the outer-material end region is kept essentially parallel to the tread of the outsole by means of a second string-lasting.
79. (withdrawn): Footwear according to Claim 66, in which the upper end region has an upper-end-region outer side remote from the functional layer and the outsole cement is formed at least in a subregion of the upper-end-region outer side which is closed in the direction of the sole periphery by reactive hot-melt adhesive and the outer material consists at least in this subregion of a material which can be penetrated by the reactive hot-melt adhesive that is liquid before fully reacting, so that in this subregion the reactive hot-melt adhesive adhesively bonds the functional layer with a sealing effect.
80. (withdrawn): Footwear according to Claim 66, in which the upper end region has an upper-end-region outer side remote from the functional layer, the upper end region has an upper end edge, within which a free zone, free from

upper material, is formed and the outsole cement is formed at least in a region of the free zone which is closed in the direction of the sole periphery and is adjacent to the upper end edge by reactive hot-melt adhesive which has penetrated between the insole underside and the functional-layer end region and forms there a cementing region closed in the direction of the sole periphery.

81. (withdrawn): Footwear according to Claim 79, in which the outer material and the functional layer are each part of a multi-layer laminate.

82. (withdrawn): Footwear according to Claim 79, in which the upper end region extends essentially parallel to the tread of the outsole.

83. (withdrawn): Footwear according to Claim 79, in which the upper end region extends essentially perpendicular to the tread of the outsole.

84. (withdrawn): Footwear according to Claim 79, with an insole, to which the upper end region is fastened.

85. (withdrawn): Footwear according to Claim 84, in which the upper end region is joined to the insole by means of a seam.

86. (withdrawn): Footwear according to Claim 84, in which the upper end region is joined to the insole by cement-lasting.

87. (withdrawn): Footwear according to Claim 86, in which a region of the upper end region adjacent to an upper end region edge is excepted from the cement-lasting.

88. (withdrawn): Footwear according to Claim 79, in which the upper end region is kept essentially parallel to the tread of the outsole by means of string-lasting.

89. (withdrawn): Footwear according to Claim 66, in which the outsole is essentially flat.

90. (original): Footwear according to Claim 66, in which the outsole essentially has turned-up edges with a flat tread region and a border rising up from the latter in an essentially perpendicular direction.

91. (withdrawn): Footwear according to Claim 66, in which the outsole is provided with reactive hot-melt adhesive in that sub-region in which it lies opposite the region of the functional layer to be sealed and is otherwise provided with conventional outsole cement.

92. (withdrawn): Footwear according to Claim 66, in which the outsole is provided with reactive hot-melt adhesive essentially over its entire top side facing the upper.

93. (original) Footwear according to Claim 66, in which at least part of the reactive hot-melt adhesive located on the outsole is formed by an expanded reactive hot-melt adhesive.

94. (withdrawn): Footwear, according to Claim 66, in which the sole construction comprises an insole and a gauze strip, the gauze strip is arranged between the insole and the upper end region, and a first side edge of said gauze strip being joined to the insole and a second side edge of said gauze strip being joined both to the outer-material end region and to the functional-layer end region.

95. (withdrawn): Footwear according to Claim 94, in which the outsole cement is formed at least in a subregion of the outsole which is closed in the direction of the sole periphery and lies opposite the gauze strip by a reactive hot-melt adhesive.

96. (withdrawn): Footwear according to Claim 95, in which the outsole cement is formed at least in a subregion of the outsole which is closed in the direction of the sole periphery and lies opposite the gauze strip by an expanded reactive hot-melt adhesive.

97. (withdrawn): Footwear according to Claim 95, in which the entire outsole surface is provided with reactive hot-melt adhesive.

98. (withdrawn): Footwear according to Claim 95, in which the entire outsole surface is provided with expanded reactive hot-melt adhesive.

99. (withdrawn): Footwear according to Claim 95, in which a filler is arranged between the insole underside and the outsole top side.

100. (withdrawn): Footwear according to Claim 95, in which the gauze strip is sewn both to the insole and to the outer-material end region as well as to the functional-layer end region.

101. (withdrawn): Footwear according to Claim 95, in which the outer-material end region and the functional-layer end region are fastened to each other by means of a fixing adhesive.

102. (withdrawn): Footwear according to Claim 66, which has a part-insole over part of the shoe length in which the footwear is constructed, and is constructed in the remaining part of the shoe length.

103. (withdrawn): Footwear which in a front foot region has a sole construction according to Claims 66 and in a rear foot region has a shoe construction .

104. (withdrawn): Footwear in which the sole construction comprises an insole and a gauze strip, the gauze strip is arranged between the insole and the upper end region, and a first side edge of said gauze strip being joined to the insole and a second side edge of said gauze strip being joined both to the outer-material end region and to the functionally-layer end region.

105. (withdrawn): Footwear according to Claim 104 , in which the outsole cement is formed at least in a subregion of the outsole which is closed in the direction of the sole periphery and lies opposite the gauze strip by a reactive hot-melt adhesive.

106. (withdrawn): Footwear according to Claim 105, in which the outsole cement is formed at least in a subregion of the outsole which is closed in the direction of the sole periphery and lies opposite the gauze strip by an expanded reactive hot-melt adhesive.

107. (withdrawn): Footwear according to Claim 105, in which the entire outsole surface is provided with reactive hot-melt adhesive.

108. (withdrawn): Footwear according to Claim 105, in which the entire outsole surface is provided with expanded reactive hot-melt adhesive.

109. (withdrawn): Footwear according to Claim 104, in which a filler is arranged between the insole underside and the outsole top side.

110. (withdrawn): Footwear according to Claim 104, in which the gauze strip is sewn both to the insole and to the outer-material end region as well as to the functional-layer end region.

111. (withdrawn): Footwear according to Claim 105, in which the outer-material end region and the functional-layer end region are fastened to each other by means of a fixing adhesive.

112. (original): Outsole which can be cemented onto an upper of footwear, the top side of the said sole, to be adhesively attached to the upper, being provided at least partially with non-reacted reactive hot-melt adhesive which brings about waterproofness when in the fully reacted state.

113. (currently amended): Process for the production of footwear, having the following production steps:

a) an upper is created, constructed with an outer material having an inner side and an outer side and with a waterproof functional layer at least partially lining the outer material on the inner side ~~of the latter~~ and provided with an upper end region ~~on the sole side~~;

b) the outer material is provided with an outer-material end region ~~on the sole side~~ and the functional layer is provided with a functional-layer end region ~~on the sole side~~, a region requiring sealing being created at the functional-layer end region;

c) outsole cement is applied to an outsole and the outsole is adhesively attached to the upper end region, a reactive hot-melt adhesive which brings about waterproofness when in the fully reacted state being applied as outsole cement at least in a subregion of the outsole which lies opposite the region of the functional-layer end region requiring sealing after the adhesive attachment of the outsole.

114. (withdrawn): Process according to Claim 113, in which the functional-layer end region is provided with an overhang projecting beyond the upper-material end region and reactive hot-melt adhesive is applied as outsole cement at least in a subregion of the outsole which is closed in the direction of the sole periphery and lies opposite at least part of the width of the overhang after the adhesive attachment of the outsole.

115. (withdrawn): Process according to Claim 113, in which reactive hot-melt adhesive is applied as outsole cement at least in a subregion of the outsole

which is closed in the direction of the sole periphery and lies opposite at least part of the upper-end-region outer side after the adhesive attachment of the outsole, the outer material being produced at least in this subregion from a material which can be penetrated by the reactive hot-melt adhesive that is liquid or liquefied before fully reacting, so that there the reactive hot-melt adhesive brings about a sealing adhesive bonding of the functional layer.

116. (withdrawn): Process according to Claim 113, in which the upper end region is provided with an upper end edge, within which a free zone, free from upper material, is formed, and reactive hot-melt adhesive is applied as outsole cement at least in a subregion of the outsole which is closed in the direction of the sole periphery and lies opposite at least one region of the free zone adjacent to the upper end edge after the adhesive attachment of the outsole and is applied to the outsole at such a rate and the outsole is pressed against the upper-end-region outer side in such a way that reactive hot-melt adhesive penetrates between the insole underside and the functional-layer end region and forms there an adhesive bonding region which is closed in the direction of the sole periphery.

117. (withdrawn): Process according to Claim 113, in which the sole construction is provided with an insole, a gauze strip is arranged between the insole and the upper end region, a first side edge of which strip being joined to the insole and a second side edge being joined both to the outer-material end region and to the functional-layer end region, and reactive hot-melt adhesive is applied as outsole cement at least in a subregion of the outsole which is closed in the direction of the sole periphery and lies opposite the gauze strip after the adhesive attachment of the outsole.

118. (withdrawn): Process according to Claim 113, in which reactive hot-melt adhesive is applied to the outsole in that region which lies opposite the region of the functional-layer end region to be sealed after the outsole has been pressed onto the upper-end-region outer side, and otherwise conventional outsole cement is applied.

119. (withdrawn): Process according to Claim 113, in which reactive hot-melt adhesive is applied to the entire outsole.

120. (withdrawn): Process according to Claim 113, in which an expanding reactive hot-melt adhesive is applied to the outsole at least in that region which

lies opposite the region of the functional-layer end region to be sealed after the outsole has been pressed onto the upper-end-region outer side.

121. (withdrawn): Process according to Claim 113, in which a reactive hot-melt adhesive which can be cured by means of moisture is used, which adhesive is applied to the region to be cemented and is exposed to moisture for reacting.

122. (withdrawn): Process according to Claim 113, in which a reactive hot-melt adhesive which can be thermally activated and can be cured by means of moisture is used, which adhesive is thermally activated, applied to the region to be cemented and is exposed to moisture for reacting.

123. (withdrawn): Process according to Claim 113, in which a thermoplastic is added to the reactive hot-melt adhesive before using the latter.

124. (withdrawn): Process according to Claim 113, in which the outer-material end region is fixed to the functional-layer end region before the outsole is cemented on.

Should the Office require any further information, the Office is invited to contact applicants' undersigned representative.

Respectfully submitted,

A handwritten signature in black ink, reading "Kevin J. Boland". The signature is fluid and cursive, with a large, stylized "K" and "B".

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